HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (S) No. 1512 of 2007

Petitioner		Ram sharan jain, son of Shri Ganga Ram Jai aged about 37 years, working as Assista Teacher, Government High School, Saran Resident of village and Post Dhanesara, t Sarona, Kanker (C.G.).
	Versus	
Respondents	1.	State of Chhattisgarh, through the Secretar Department of Tribal Welfare, Dau Kalyan Sing Bhawan, Raipur (C.G.).
	2.	The Assistant Commissioner, Tribal Welfa Department, Distt. Kanker (C.G.).
	3.	Principal, Govcrnmcnt Higher Sccondary Schoc Sarana, Kanker (C.G.).
	4.	Rajendra Bishta, son of Bhola Datta Bishta, age about 47 years, resident of village and po Sarana, P.S. Dadhona, Distt. Kanker (C.G.)

Shri Rahul Jha, Advocate for the petitioner.

Miss Sunita Jain, Panel Lawyer for the respondents No. 1 to 3.

ORDER

(Passed on this 15th day of March, 2007)

1. By this petition, the petitioner has challenged the impugned suspension order dated 12.2.2007 (Annexure P/1). The petitioner was working as Assistant Teacher in Government High School, Sarana, District – Kanker, when the impugned suspension order was passed.

2. On perusal of the suspension order, it appears that the petitioner along with two other Assistant Teachers has been put under suspension on account of alleged irregularities and misconduct committed by him while working as Assistant Teacher.

3. Under Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short 'the Rules, 1966') any employee can be suspended where the disciplinary proceeding against him is contemplated or is pending. Looking to the charges stated in the suspension order it is clear that a disciplinary proceeding is contemplated against the petitioner.

4. The petitioner, without waiting for the charge sheet, as required in sub-rule (2) of Rule 9 of the Rules, 1966, straightaway has come to this Court. The petition is premature and at this stage the same cannot be entertained.

5. It is well settled principle of law that the suspension is temporary and it does not involve punishment with civil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of his rank or his status. The employee under suspension continues to be a Government Servant, he is not permitted to work keeping in view pendency of departmental enquiry to avoid undue influence in the proceedings of departmental enquiry and likely tampering with on records.

6. The petition is accordingly dismissed summarily. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Thakur